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25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF GIORGIA
LINGIARDI**

DECLARATION OF GIORGIA LINGIARDI

I, Giorgia Lingiardi, declare as follows:

1. I am employed as a legal assistant by the law firm of Altshuler Berzon LLP. I make the following declaration from personal knowledge and if called upon could competently testify thereto. I am providing this declaration in support of Plaintiffs' Opposition to Defendants' Motion for Protective Order and/or Reconsideration of Expedited Discovery.

2. Attached as Exhibit A are true and correct excerpts of the Transcript of Proceedings prepared and certified by the official court reporter from the hearing on Plaintiffs' Motion for a Temporary Restraining Order conducted on Friday, May 9, 2025.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed May 13, 2025, in San Francisco, California.

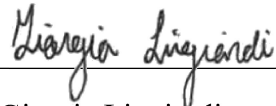

Giorgia Lingiardi

Exhibit A

Pages 1 - 54

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Susan Illston, Judge

AMERICAN FEDERATION OF)	
GOVERNMENT EMPLOYEES, AFL-CIO,)	
et al.,)	
)	
Plaintiffs,)	
)	
VS.)	NO. 3:25-cv-03698-SI
)	
PRESIDENT DONALD J. TRUMP, in)	
his official capacity as)	
President of the United States,)	
et al.,)	
)	
Defendants.)	
_____)	

San Francisco, California
Friday, May 9, 2025

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiffs:

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(APPEARANCES CONTINUED ON FOLLOWING PAGE)

Reported By: Ruth Levine Ekhaus, RMR, RDR, FCRR, CCG
Official Reporter, CSR No. 12219

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DEPUTY ASSISTANT ATTORNEY GENERAL

Friday - May 9, 2025

10:30 a.m.

P R O C E E D I N G S

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THE CLERK: All rise. Court is now in session, the Honorable Susan Illston presiding.

THE COURT: Good morning.

ALL: Good morning.

THE COURT: You may all be seated.

THE CLERK: Now calling Civil Matter 25-CV-3698, American Federation of Government Employees, AFL-CIO, et al. versus Trump, et al.

Counsel, please approach the podiums and state your names for the record.

MS. LEONARD: Good morning, Your Honor. Danielle Leonard from Altshuler Berzon. With me at counsel table, appearing on behalf of the plaintiff coalition, are Stacey Leyton from Altshuler Berzon, Corinne Johnson from Altshuler Berzon, Elena Goldstein from Democracy Forward, Ravi Rajendra from Santa Clara County, and Yvonne Mere from San Francisco.

THE COURT: Good morning.

MR. HAMILTON: Good morning, Your Honor. Eric Hamilton from the U.S. Department of Justice for defendants. With me is Andrew Bernie from the U.S. Department of Justice, also for defendants.

THE COURT: Good morning.

1 earlier in my presentation, the plaintiffs aren't actually
2 structuring any of their claims around particular reductions in
3 forces in agencies, which reveals a serious mismatch between
4 the injury that they're claiming and the types of claims that
5 they're trying to litigate --

6 **THE COURT:** I wonder if you could just start that
7 sentence over again. I didn't follow you.

8 **MR. HAMILTON:** Yes.

9 So the plaintiffs, especially in trying to explain
10 their lengthy delay in filing the motion --

11 **THE COURT:** Three months.

12 **MR. HAMILTON:** Yes.

13 They talk about reductions in force happening at
14 different agencies. Their brief ticks through a number of the
15 defendants explaining what they have heard about as far as
16 reductions in force.

17 But reviewing the complaint and the claims, they don't
18 actually structure their claims around specific reduction in
19 force --

20 **THE COURT:** Well, let me ask you this question:

21 The Senate sent a letter to, I guess, OMB and OPM,
22 maybe to the President, saying could we see your ARRP's, please,
23 which is what you're talking about, the various proposed
24 reductions in force.

25 Was there a response to that?

1 **MR. HAMILTON:** I do not know, Your Honor.

2 And plaintiffs have requested the same document. We
3 think that the right way for that to be litigated is --

4 **THE COURT:** Is through FOIA.

5 **MR. HAMILTON:** Is through Freedom of Information --

6 **THE COURT:** There's no need to speed up FOIA, so we
7 can go through the normal 18- to 24-month time frame on getting
8 a response to FOIA requests. I know there's another lawsuit
9 pending on that.

10 But my question to you is: You're about to say, well,
11 they haven't tailored their complaint to the specific RIFs.
12 Well, they haven't been told what they are. The Senate asked
13 for that and didn't get it.

14 So how are challenges supposed to be tailored if you
15 won't tell them what's happening?

16 **MR. HAMILTON:** Well, actually, the February memorandum
17 specifies a notice process through which agencies will notify
18 individuals affected by reductions in force as a default
19 60 days before it takes effect, and there's a minimum of
20 30 days.

21 So plaintiffs' argument that defendants are acting in
22 secrecy is belied by the February memorandum --

23 **THE COURT:** Why don't -- why won't you, counsel for
24 the defendants in this case, give counsel for plaintiffs a copy
25 of the ARRPS -- ARRPs?

1 **MR. HAMILTON:** Those documents are deliberative
2 documents. They're planning documents. They're the sort of --
3 you know, deliberative documents that are typically held
4 confidential. And as our brief explains, they aren't -- they
5 aren't final agency actions. And, you know, the fact that OMB
6 and OPM will review them highlights that.

7 And there's multiple stages to them. There's the
8 initial document that the memo makes due in mid-March and then
9 additional documents due in mid-April.

10 And as I --

11 **THE COURT:** We're now in May, so because they've
12 waited three months, we are now to the point where those things
13 should be available.

14 **MR. HAMILTON:** Well, so -- so -- I think the bottom
15 line point, though, here is to the extent that plaintiffs want
16 to challenge specific RIFs, it should be in the context of
17 specific RIFs that have gone out and that employees have
18 received notice of. And we've seen litigation like that. I
19 cited the *USAGM* case in the DDC District Court that went up to
20 the DC circuit. That was based on specific reduction in force
21 actions.

22 And, you know, we made the argument there, which the
23 DC circuit accepted, that that still was not the right forum.
24 But what we've identified here is an additional problem on top
25 of that problem of this fundamental mismatch with the way that

1 government actors that then touch on the plaintiffs. That's
2 absolutely -- that doesn't defeat final agency action that is
3 reviewable for the APA.

4 So the OMB and OPM action here, which is what the
5 injunction of the TRO is aimed at, along with the implementing
6 agencies -- absolutely final agency action.

7 And then the final -- the agencies themselves are also
8 now taking action to effectuate those instructions, and that
9 should be enjoined, whether it's by way of -- because they're
10 Rule 19 defendants effectuating the unlawful OMB and OPM
11 actions or stand-alone, arbitrary and capricious claims against
12 them for their further unlawful actions -- we address both of
13 those in our briefs -- the Court has absolutely the authority
14 to do it under the APA as well as top-down, all the way *ultra*
15 *vires* within the equitable power of the Court.

16 **THE COURT:** What about the publication of the ARPPs?

17 **MS. LEONARD:** So counsel's argument that the only way
18 to do that is through FOIA is wrong. This Court absolutely has
19 the authority to order the defendants to turn those over to the
20 plaintiffs and the Court and -- so that the Court can review
21 and understand the facts of what is happening related to this
22 challenge, both under the *ultra vires* and the APA in the
23 preliminary injunction context.

24 So that the Court can understand the facts and assess
25 a preliminary injunction in that context, we would

1 absolutely ask the Court for expedited immediate discovery to
2 allow us to have those documents.

3 And that discovery order is a separate -- as we have
4 asked for, can be separate and apart from the stay that is
5 issued as part of any temporary restraining order.

6 **THE COURT:** Okay.

7 **MS. LEONARD:** I think that's an answer to Your Honor's
8 question. The Court absolutely has the authority to issue
9 that.

10 There's another thing that's been happening which I
11 also wanted to raise because it came in the reply documents.

12 In the attachment to the Gamble Declaration, we also
13 give the Court two documents that are quite significant.
14 They're dated April 14th and April 16th, and it's the
15 Department of Labor's request to OPM to waive the RIF statutory
16 notice requirement -- to cut it down.

17 There are two different interrelated notice
18 requirements: One is 90 days and one is 60 days, and they are
19 cutting those down.

20 And OPM granted it like that, and the only basis for
21 the request to shorten the RIF notice time to employees was the
22 argument that the office has been eliminated by the President
23 in an executive order. So the statutory and regulatory basis
24 for the office is gone, and now you're RIF'd, and now we
25 shorten the time, and now we put everyone on administrative

1 leave.

2 That is what they are doing, Your Honor.

3 And so to the extent that OPM is -- I know this is not
4 in our papers, but to the extent that OPM is receiving and
5 granting waivers, we would ask that they be required to turn
6 those documents over as well.

7 The Court should decide this case on the facts, not on
8 the Government's contentions, which are divorced from an actual
9 record.

10 And it's notable here, as I'm sure Your Honor is
11 aware, that they have not put in a single piece of evidence in
12 response to this request.

13 So with respect to the very end of that exchange with
14 counsel when they asked for a stay pending appeal, as we all
15 know, TROs are not appealable, and the stay is particularly
16 inappropriate where they've made no showing at all and they
17 have not even made an attempt to show the factors that they
18 would need to show of harm to the government.

19 There will be no harm to the government of maintaining
20 the status quo, Your Honor, of keeping in place the important
21 functions, offices, programs, and people who do the work in
22 this government that we all rely on. Keeping them in place and
23 maintaining the status quo for now is not going to harm our
24 Federal Government. I want to make that very, very clear.

25 So I think the final question to address with

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Friday, May 9, 2025

A handwritten signature in blue ink, reading "Ruth Levine Ekhaus", followed by a horizontal line.

Ruth Levine Ekhaus, RMR, RDR, FCRR, CCG, CSR No. 12219
Official Reporter, U.S. District Court